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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/733,429   | 12/08/2000  | Kevin D. Bair        | STL000040US2/1716P  | 2095             |
| <div>7590      05/01/2007</div> <div>Joseph A. Sawyer, Jr.<br/>Sawyer Law Group LLP<br/>P.O. Box 51418<br/>Palo Alto, CA 94303</div> |             |                      |                     |                  |
|  |             |                      | EXAMINER            |                  |
|  |             |                      | THAI, HANH B        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2163                |                  |
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|  |             |                      | 05/01/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/733,429

Applicant(s)

BAIR, KEVIN D.

Examiner

Hanh B. Thai

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 3/12/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is Non-Final Office Action in response to amendment filed October 3, 2006. Claims 1-48 have been cancelled. Claims 49-81 are pending in this application.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 49-81 regarding "utilizing metadata to process a query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query" have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 49-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draaijer et al. (US 5,987,463) of record in view of Raz (US 6,292,827 B1) of record.

Regarding claim 49, Draaijer discloses a method for processing a query, the method comprising:

- receiving from a first computer system ("client 200", Fig.2A) a request to process a query at a second computer system ("local server process 202", Fig.2A), the request to process the query comprising a request to perform an operation on data and metadata at the second computer system (abstract; col. 2,

Art Unit: 2163

lines 33-58; col.4, lines 31-40 and col.8, lines 18-22, Draaijer. The claimed “data and metadata” corresponding to “data dictionary”);

- the second computer system processing the query including performing the operation on the data and the metadata to generate a result for the query (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67, Draaijer);
- the second computer system returning the result of the query to the first computer system (Fig.2A; abstract and col.13, lines 9-25, Draaijer).

Draaijer, however, does not explicitly disclose utilizing metadata to process a query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query. Raz discloses the management system which permits the exchange of information between the client terminals and the servers, when information requires information that is not on the network database server but that information can be reached at some other external provider system to get the required information (col.4, lines 31-40, Raz) reads on the claimed limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Draaijer to derive the invention as claimed. The motivation of doing so would have been to provide a secure and reliable network for information transfer with enhanced performance (col.1, lines 32-36, Raz).

Regarding claims 50, 61 and 72, Draaijer discloses wherein receiving from a first computer system a request to process a query at a second computer system includes receiving from a first computer system a request to perform an operation on data not having been stored on

Art Unit: 2163

the second computer system prior to the second computer system receiving the request to process the query (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67, Draaijer).

Regarding claims 51, 62 and 73, Draaijer discloses wherein the query includes the data and the metadata required to process the query (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67, Draaijer).

Regarding claims 52, 63 and 74, Draaijer discloses wherein the query includes a pointer to the data and the metadata required to process the query (Fig.3A-B and col.11, lines 1-14, Draaijer discloses a link corresponding to “a pointer”).

Regarding claims 53, 64 and 75, Draaijer discloses wherein the data and the metadata required to process the query are stored on a third computer system (300, Fig.3A-B, Draaijer) separate from the second computer system; and the pointer points to the data and the metadata stored on the third computer system (Fig.3A-B and col.11, lines 1-14, Draaijer).

Regarding claims 54, 65 and 76, Draaijer discloses wherein the second computer system is in communication with the first computer system through a network (network connection 310, Fig.3A-B and col.13, lines 1-8, Draaijer).

Regarding claims 55, 66 and 77, Draaijer discloses wherein the network comprises the internet (col.5, lines 47-67, Draaijer).

Regarding claims 56, 67 and 78, Draaijer discloses wherein the second computer system receives the request to process the query from the first computer system in accordance with a first internet protocol; and the second computer system processes the query in accordance with a second Internet protocol (col.5, lines 47-67 and col.13, lines 1-8, Draaijer).

Regarding claims 57, 68 and 79, Draaijer discloses wherein the first computer system comprises a client machine and the second computer system comprises a server machine (Fig.3A-B and corresponding text, Draaijer).

Regarding claims 58, 69 and 80, Draaijer discloses wherein the metadata comprises information about objects (col.9, lines 30-40, Draaijer).

Regarding claims 59, 70 and 81, Draaijer discloses wherein the objects comprise one or more objects selected from the group consisting of tables, triggers and indexes (col.9, lines 27-44, Draaijer discloses SQL services module that must include objects selected from the group consisting of tables, triggers and indexes).

Regarding claim 60, Draaijer discloses a computer readable medium containing program instructions tangibly stored thereon for processing a query, the program instructions comprising instructions operable to cause a data processor to:

- receive from a first computer system a request to process a query at a second computer system, the request to process the query comprising a request to perform an operation on data and metadata at the second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22, Draaijer);
- process the query including performing the operation on the data and the metadata to generate a result for the query at the second computer system (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67, Draaijer);  
and
- return the result of the query from the second computer system to the first computer system (Fig.2A; abstract and col.13, lines 9-25, Draaijer).

Art Unit: 2163

Draaijer, however, does not explicitly disclose utilizing metadata to process a query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query. Raz discloses the management system which permits the exchange of information between the client terminals and the servers, when information requires information that is not on the network database server but that information can be reached at some other external provider system to get the required information (col.4, lines 31-40, Raz) reads on the claimed limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Draaijer to derive the invention as claimed. The motivation of doing so would have been to provide a secure and reliable network for information transfer with enhanced performance (col.1, lines 32-36, Raz).

Regarding claim 71, Draaijer discloses a system for processing a query, the system comprising:

a first computer system to,

- receive a request to process a query from a second computer system, the request to process the query comprising a request to perform an operation on data and metadata at the second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22, Draaijer);
- process the query and generate a result for the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67, Draaijer); and

Art Unit: 2163

- return the result of the query to the second computer system (Fig.2A; abstract and col.13, lines 9-25, Draaijer).

Draaijer, however, does not explicitly disclose utilizing metadata to process a query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query. Raz discloses the management system which permits the exchange of information between the client terminals and the servers, when information requires information that is not on the network database server but that information can be reached at some other external provider system to get the required information (col.4, lines 31-40, Raz) reads on the claimed limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Draaijer to derive the invention as claimed. The motivation of doing so would have been to provide a secure and reliable network for information transfer with enhanced performance (col.1, lines 32-36, Raz).

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



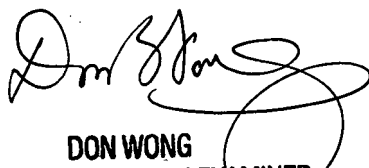
Art Unit: 2163

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**DON WONG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Hanh B Thai  
Examiner  
Art Unit 2163

April 16, 2007